

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EBEN BROWN,	)	
	)	
Petitioner,	)	Civil Action No. 2:22-507
	)	
vs.	)	United States District
	)	Judge Cathy Bissoon
WARDEN ORLANDO HARPER, <i>et al.</i> ,	)	
	)	
Respondents.	)	United States Magistrate Judge
	)	Maureen P. Kelly

**MEMORANDUM ORDER**

This case has been referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On January 4, 2024, Judge Kelly issued a Report (“R&R,” Doc. 35) recommending that the Court grant Respondents’ Motion to Dismiss Petitioner Eben Brown’s Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Doc. 31). Specifically, the R&R recommends that the Court dismiss Grounds One, Three and Four of the Petition (Doc. 14) as moot, and dismiss Ground Two of the Petition pursuant to Rule 4 of the habeas corpus rules, as beyond the scope of a federal habeas action. The R&R further recommends that the Court deny a certificate of appealability.

Objections to the R&R were due no later than January 22, 2024 (Doc. 35), but no objections were filed. After a *de novo* review of the Petition, together with the R&R, it is hereby ORDERED that Judge Kelly’s Report and Recommendation (Doc. 35) is ADOPTED as the opinion of the district court.

IT IS FURTHER ORDERED that Respondents’ Motion to Dismiss the Petition (Doc.

31) is GRANTED. The claims asserted in Grounds One, Three and Four of the Petition are DISMISSED as moot, without prejudice to Petitioner's ability to raise any claim in a federal habeas petition under 28 U.S.C. 2254, if appropriate; and the claim asserted in Ground Two is DISMISSED, without prejudice to Petitioner's ability to raise that claim in a properly supported § 1983 action.

A certificate of appealability is DENIED, as jurists of reason would not disagree with the analysis of the Report.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if Petitioner desires to appeal from this Order, he must do so within thirty days by filing a notice of appeal as provided in Federal Rule of Appellate Procedure 3.

This action shall be marked CLOSED.

IT IS SO ORDERED.

February 1, 2024

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via U.S. Mail):

EBEN BROWN  
127-815  
ALLEGHENY COUNTY JAIL  
950 Second Avenue  
Pittsburgh, PA 15219  
PRO SE